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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/020,629	10/29/2001	Anthony C. Vrba	1001.1514101	9211

28075 7590 10/06/2006

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EXAMINER

HO, UYEN T

ART UNIT	PAPER NUMBER
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3731

DATE MAILED: 10/06/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Advisory Action
Before the Filing of an Appeal Brief**

Application No.

10/020,629

Applicant(s)

VRBA ET AL.

Examiner

(Jackie) Tan-Uyen T. Ho

Art Unit

3731

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 15 September 2006 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☐ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☐ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: _____.
Claim(s) objected to: _____.
Claim(s) rejected: _____.
Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). _____.
13. ☐ Other: _____.

(Jackie) Tan-Uyen T. Ho
Primary Examiner
Art Unit: 3731

9/30/06

Continuation of 11. does NOT place the application in condition for allowance because:

1. Applicant's arguments filed 9/15/06 have been fully considered but they are not persuasive. Applicants argue that the tubular member proximal end (21) as disclosed by Khosravi (6361546) does not appear to shaped and configured to engage a retrieval device. Examiner disagrees. Col. 7, lines 15-19, Khosravi discloses the proximal end 21 of the tubular member 12 or the vascular filter 10 may include cooperating connectors (not shown) for securing the vascular filter 10 to the retrieval member 114. Col. 7, lines 20-22, Khosravi discloses the proximal end 21 being grabbed by member of retrieval device. Col. 7, lines 26-33, Khosravi disclose the proximal end 21 may include slots, tabs, an annular groove and the like that may facilitate secured grabbing the vascular filter with the retrieval device. Col. 7, lines 41-49, Khosravi discloses the retrieval device comprising inflatable member 134 for receiving the proximal end therein and frictionally engaging the outer surface 18 (of the proximal end) of the vascular filter. Khosravi clearly discloses proximal end 21 being shaped and configured to engage a retrieval device.

Applicants also argue that there is no suggestion or motivation to modify Khosravi reference by providing ridges/flanges to enhance the prevention of the movement. Examiner disagrees. It is well known in the art to have ridge, flanges, slots, tabs or grooves to facilitate secured grabbing (Khosravi suggested in col. 7, lines 26-33; Green 6485501 reference discloses ridges/flanges for facilitate secured grabbing). Thus in the previous office action, examiner provided the motivation of modify the proximal end of Khosravi's filter cartridge as providing ridges/flange for enhancing the securement or the prevention of movement of the cartridge relative to the retrieval catheter. Regarding the radiopaque band, examiner provided a teaching reference (Green 6,485,501) for well-known statement, which teaches a radiopaque band (371) at a proximal end of the filter having flanges/barbs (372) that result in an increase in coefficient of friction. Such radiopaque band enhance the locking mechanism and providing visibility under imaging system for delivering, deploying and withdrawing the filter.